

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2008

Charles R. Fulbruge III
Clerk

No. 06-51134

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ANDRES NARANJO-SANTOS

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:06-CR-133-ALL

Before GARZA, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Andres Naranjo-Santos (Naranjo) appeals the sentence imposed following his guilty plea to illegal reentry, in violation of 8 U.S.C. § 1326. He argues that the district court erred in increasing his sentence based on a prior drug-trafficking conviction which was neither pleaded nor proved and that it erred in determining that his prior conviction for simple possession was an aggravated felony.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Naranjo, however, has been released from federal custody and removed from the United States, leaving him subject only to an undischarged term of supervised release. Because Naranjo has requested relief in the form of resentencing, relief we cannot grant, his appeal is moot. See *United States v. Rosenbaum-Alanis*, 483 F.3d 381, 383 (5th Cir. 2007), cert. denied, 128 S. Ct. 1216 (2008). Accordingly, the appeal is DISMISSED.